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4	Sacramento, CA 95811-1767 Telephone: (916) 447-1134		
5	Facsimile: (916) 448-0265 Email: KarowskyLaw@sbcglobal.net		
6	Attorney for Defendant		
7	Tracy Painter		
	UNITED STATES DISTRICT COURT IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA		
8			
9			
.0	United States of America,) Case No.: 2:10-Cr-223-JAM	
1	Plaintiff,) STIPULATION AND ORDER TO	
12		MODIFY CONDITIONS OF PROBATION	
13	VS.) TO ELIMINATE THE DRUG TESTING) CONDITION	
4	Tracy Painter,))	
5	Defendant))	
6))	
7		ý.	
.8	TA CITIC AND DOO		
.9	FACTS AND PROCEDURAL HISTORY		
20	On October 28, 2014, defendant, Tracy Painter, appeared for judgment and sentencing, in		
21	the instant case, before The Honorable John A. Mendez, United States District Judge. Among		
22	other conditions, the Court imposed, as a condition of probation that: "The Defendant shall		
23	submit to one drug test within 15 days of release on probation and at least two periodic drug tests		
24			
25	thereafter, not to exceed four (4) drug tests per	month."	
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In the Presentence Report, on page 31, paragraph 105, the Probation Officer wrote, "The defendant has no substance abuse issues...," and yet, on page 35, special condition of probation number 6, the PSR recommended drug testing. Frankly, at sentencing, counsel for defendant inappropriately failed to object to the imposition of the drug testing condition as a condition of probation when there was no factual basis on which to base such a condition.

Once the above facts were pointed out to counsel for defendant, counsel for the government was contacted as was the assigned probation officer, Chris Muira. All parties agreed a drug testing condition was not only inappropriate, but factually not needed.

STIPULATION

Plaintiff, United States, and Defendant Tracy Painter, through their undersigned counsel, hereby stipulate and agree that the drug testing condition, imposed as a condition of probation, requiring one drug test within 15 days of release on probation and at least two periodic drug tests thereafter, not to exceed four (4) test per month, is hereby eliminated as a condition of probation. That is, there shall be no drug testing imposed as a condition of probation.

IT IS SO STIPULATED.

DATED: December 3, 2014 **BENJAMIN B. WAGNER** United States Attorney

/s/ Philip Ferrari by Philip Ferrari by Jan Karowsky w/ Mr. Ferrari's permission Assistant U.S. Attorney

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1	DATED:	December 3, 2014	JAN DAVID KAROWSKY Attorney at Law
2			A Professional Corporation
3			/s/ Jan Karowsky
4			by
5			JAN DAVID KAROWSKY Attorney for Defendant
6			
7	IT IS	S SO ORDERED.	
8	Dated: 12/3/		
9	Dated. 12/3/	2014	/s/ John A. Mendez
10			JOHN A. MENDEZ United States District Court Judge
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